

IFW

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE



PATENT APPLICATION

Inventors: Simon D. Boland

Case No.: 400048-A-01-US (Boland)

Serial No.: 09/813,525 Group Art Unit: 2641

Filing Date: March 21, 2001

Examiner: H. Wu

Title: Voice-Activity Detection Using Energy Ratios and Periodicity

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**Petition to Withdraw Abandonment Based on
Failure to Receive Office Action (see MPEP §711.03(c) II)**

Dear Sir:

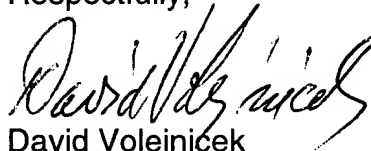
Applicant's attorney hereby petitions that abandonment of the above-identified application be reversed and the application be reinstated because an Office Action therein was not received.

A first Office Action was allegedly mailed in March of 2004. Lack of response thereto would have resulted in the case becoming abandoned in September of 2004. Applicant's attorney was notified of the lack of response telephonically by the Examiner on March 3, 2005.

Applicant's attorney attests that he has searched the file jacket of the above-identified application and that he has had the Avaya Docket Administrator search the docket records, and that these searches indicate that the Office Action was not received. A copy of the attached Avaya Case Record Listing, which is the docket record for the case, shows by the absence of a Diary Due Date for a Response to Office Action that the Office Action were not received.

No fee is required with this petition. Please charge any fees due with this petition to Avaya Deposit account no. 501602.

Respectfully,



David Volejnicek

Reg. No. 29355

Attorney for Applicants

Date: 4 March 2005

Encl.: Avaya Case Record Listing

Docket Administrator
Avaya Inc.
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

On 4 March 2005

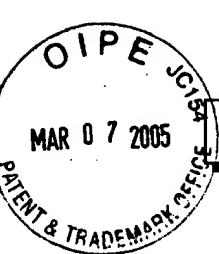
Tina Wilson

Date of Deposit

(Type name of person mailing paper)



(Signature of person mailing paper)



CASE RECORD LISTING

03 Mar 2005

File No	400048-A-01-US	Module	Patents
Case Ref	4908	Case Type	NAT
Short Title	Voice Activity Detection Using Energy Ratios	Country Code	US
Title/Mark	Voice Activity Detection Using Energy Ratios And Periodicity	Status Code	PEN
Analysis Code 1	Boland		
Analysis Code 2	III		
Analysis Code 3			
Analysis Code 4			
Analysis Code 5	Foreign Filing - Australia Only		
Change Reportable	N		
Last Amended By	LOURDES	Last Amended Date	25 Aug 2004
Last Checked By		Last Checked Date	
CPA Reportable	Y	File Location	
No of Claims	0	Gazette Ref	
Language of Filing			

<u>Base Reference</u>	<u>Date</u>	<u>Number</u>
Application No. / Date	21 Mar 2001	09/813525
Grant / Issue No. / Date		

<u>Role Type</u>	<u>Name</u>
Assignee	Avaya Inc.
Inventor	Boland Simon Daniel
Attorney	Volejnicek David
Assignee as Recorded	Avaya Technology Corp.
Client	IP LAW GROUP
Division	US CASES

<u>Case Nature</u>	<u>File No</u>	<u>Appln No</u>	<u>Country Name</u>
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<u>Diary Due Dates</u>	<u>Status</u>	<u>Action</u>
5/8/2002	Overdue	Awaiting Examiners Response

Abstract

Remarks

Claims

Text 1

Text 2

Text 3